



International Covenant on Civil and Political Rights

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Human Rights Committee Sixty-fifth session

Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations of the Human Rights Committee

Chile

1. The Committee considered the fourth periodic report of Chile (CCPR/C/95/Add.11) at its 1733rd and 1734th meetings (CCPR/C/SR.1733-1734), held on 24 March 1999, and adopted the following concluding observations at its 1740th meeting (CCPR/C/SR.1740), held on 30 March 1999.

A. Introduction

2. The Committee welcomes the State party's comprehensive fourth periodic report, covering the important changes that have taken place in that country since 1990. The Committee takes note of the useful information contained in the report concerning draft legislative proposals. However, it regrets the lateness in the submission of the report and of the core document.

3. It appreciates the additional information provided by the delegation in its dialogue with the Committee.

B. Positive aspects

4. The Committee welcomes the progress made since considering the State party's third periodic report in re-establishing democracy in Chile after the military dictatorship, as well as the initiatives for reform of legislation that is incompatible with the State party's obligations under the Covenant.

5. The establishment of the National Women's Service (SERNAM) and of the National Commission for Family and the adoption of the Domestic Violence Act, the National Committee on Child Labour Eradication and the Judicial Academy are all positive developments.



C. Factors and difficulties affecting implementation of the Covenant

6. The constitutional arrangements made as part of the political agreement that facilitated the transition from the military dictatorship to democracy hinder full implementation of the Covenant by the State party. While appreciating the political background and dimensions of these arrangements, the Committee stresses that internal political constraints cannot serve as a justification for non-compliance by the State party with its international obligations under the Covenant.

D. Principal areas of concern and recommendations

7. The Amnesty Decree Law, under which persons who committed offences between 11 September 1973 and 10 March 1978 are granted amnesty, prevents the State party from complying with its obligation under article 2, paragraph 3, to ensure an effective remedy to anyone whose rights and freedoms under the Covenant have been violated. The Committee reiterates the view expressed in its General Comment 20, that amnesty laws covering human rights violations are generally incompatible with the duty of the State party to investigate human rights violations, to guarantee freedom from such violations within its jurisdiction and to ensure that similar violations do not occur in the future.

8. The Committee is deeply concerned by the enclaves of power retained by members of the former military regime. The powers accorded to the Senate to block initiatives adopted by the Congress and the powers exercised by the National Security Council, which exists alongside the Government, are incompatible with article 25 of the Covenant. The composition of the Senate also impedes legal reforms that would enable the State party to comply more fully with its Covenant obligations.

9. The wide jurisdiction of the military courts to deal with all the cases involving prosecution of military personnel and their power to conclude cases that began in the civilian courts contribute to the impunity which such personnel enjoy against punishment for serious human rights violations. Furthermore, the continuing jurisdiction of Chilean military courts to try civilians does not comply with article 14 of the Covenant. Therefore:

The Committee recommends that the law be amended so as to restrict the jurisdiction of the military courts to trial only of military personnel charged with offences of an exclusively military nature.

10. The Committee is deeply concerned by persistent complaints of torture and excessive use of force by police and other security personnel, some of which were confirmed in the State party's report, as well as by the lack of independent mechanisms to investigate such complaints. The sole possibility of resort to court action cannot serve as a substitute for such mechanisms. Therefore:

The Committee recommends that the State party establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuses of power by the police and other security forces.

11. While the Committee welcomes the reform of the Criminal Procedure Code, it is deeply concerned that many of the provisions, some of which will strengthen compliance with the fair trial guarantees provided under article 14 of the Covenant, will not come into force for a long period of time. Therefore:

The State party should consider shortening the period before the new Criminal Procedure Code comes into force in all parts of the country.

12. The law and practice of pre-trial detention, under which large numbers of persons accused of offences are held in preventive detention pending completion of the criminal process, raises issues of compliance with articles 9, paragraph 3, and 14, paragraph 2, of the Covenant. In this regard:

The Committee recommends that the law be amended immediately so as to ensure that pre-trial detention will be the exception and not the rule, and will be used only when necessary to protect compelling interests, such as public safety and ensuring the appearance of the accused at their trials.

13. The power to hold detainees incommunicado, while limited by recent legislative reforms, remains a matter of serious concern. Therefore:

The State party should reconsider its law on this issue with a view to eliminating incommunicado detention altogether.

14. The Committee is concerned by the conditions in Chilean prisons and places of detention and by reports of discrimination amongst inmates. Therefore:

The Committee recommends the establishment of institutionalized mechanisms for monitoring conditions in prisons, so as to ensure compliance with article 10 of the Covenant, and for investigating complaints by inmates.

15. The criminalization of all abortions, without exception, raises serious issues, especially in the light of unrefuted reports that many women undergo illegal abortions that pose a threat to their lives. The legal duty imposed upon health personnel to report on cases of women who have undergone abortions may inhibit women from seeking medical treatment, thereby endangering their lives. The State party is under a duty to take measures to ensure the right to life of all persons, including pregnant women whose pregnancies are terminated. In this regard:

The Committee recommends that the law be amended so as to introduce exceptions to the general prohibition of all abortions and to protect the confidentiality of medical information.

16. The Committee is seriously concerned by the existing legal provisions that discriminate against women in marriage. Legal reforms under which married couples may opt out of discriminatory provisions, such as the provisions regarding control over property and authority over children, do not abolish the discrimination in the primary legal arrangements, which may only be changed with the consent of the husband. Therefore:

All such legal provisions that discriminate between men and women must be abolished.

17. Lack of divorce under Chilean law may amount to a violation of article 23, paragraph 2, of the Covenant, according to which men and women of marriageable age have the right to marry and found a family. It leaves married women permanently subject to discriminatory property laws mentioned in paragraph 16 above, even when a marriage has broken down irretrievably.

18. The Committee is concerned that there are a large number of instances of sexual harassment in the workplace. Therefore:

The Committee recommends that a law be enacted making sexual harassment in the workplace an offence punishable by law.

19. The Committee is concerned that the participation of women in political life, public service and the judiciary is quite inadequate. Therefore:

The Committee recommends that steps be taken by the State party to improve the participation of women, if necessary, by adopting affirmative action programmes.

20. The continuation in force of legislation that criminalizes homosexual relations between consenting adults involves violation of the right to privacy protected under article 17 of the Covenant and may reinforce attitudes of discrimination between persons on the basis of sexual orientation. Therefore:

The law should be amended so as to abolish the crime of sodomy as between adults.

21. The minimum age for marriage, 12 years for girls and 14 years for boys, raises issues of compliance by the State party with its duty under article 24, paragraph 1, to offer protection to minors. Furthermore, marriage at such a young age would generally mean that the persons involved do not have the mental maturity to ensure that the marriage is entered into with free and full consent, as required under article 23, paragraph 3, of the Covenant. Therefore:

The State party should amend the law so as to introduce a uniform minimum age for marriage of males and females, which will ensure the maturity required in order for the marriage to comply with the requirements of article 23, paragraph 3, of the Covenant.

22. The Committee takes note of the various legislative and administrative measures taken to respect and ensure the rights of persons belonging to indigenous communities in Chile to enjoy their own culture. Nevertheless, the Committee is concerned by hydroelectric and other development projects that might affect the way of life and the rights of persons belonging to the Mapuche and other indigenous communities. Relocation and compensation may not be appropriate in order to comply with article 27 of the Covenant. Therefore:

When planning actions that affect members of indigenous communities, the State party must pay primary attention to the sustainability of the indigenous culture and way of life and to the participation of members of indigenous communities in decisions that affect them.

23. The Committee is concerned by the lack of comprehensive legislation that would prohibit discrimination in the public and private spheres, such as employment and housing. Under article 2, paragraph 3, and article 26 of the Covenant, the State party is under a duty to protect persons against such discrimination. Therefore:

Legislation should be enacted to prohibit discrimination and provide an effective remedy to those whose right not to be discriminated against is violated. The Committee also recommends the establishment of a national defender of human rights or other effective agency to monitor the implementation of anti-discrimination legislation.

24. The special status granted in public law to the Roman Catholic and Orthodox churches involves discrimination between persons on account of their religion and may impede freedom of religion. Therefore:

The State party should amend the law so as to give equal status to all religious communities that exist in Chile.

25. The general prohibition imposed on the right of civil servants to organize a trade union and bargain collectively, as well as their right to strike, raises serious concerns, under article 22 of the Covenant. Therefore:

The State party should review the relevant provisions of laws and decrees in order to guarantee to civil servants the rights to join trade unions and to bargain collectively, guaranteed under article 22 of the Covenant.

26. The Committee sets the date for the submission of Chile's fifth periodic report as ... It requests that the text of the State party's fourth periodic report and the present concluding observations be published and widely disseminated within Chile and that the next periodic report be disseminated among non-governmental organizations operating in Chile.



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Sixty-fifth session

Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations of the Human Rights Committee

Canada

1. The Committee considered the fourth periodic report of the Government of Canada (CCPR/C/103/Add.5) at its 1737th and 1738th meetings (CCPR/SR.1737-1738), held on 26 March 1999, and adopted the following concluding observations at its 1747th meeting (CCPR/C/SR.1747), held on 6 April 1999.

A. Introduction

2. The Committee welcomes the comprehensive fourth periodic report as well as the additional written information covering the period since the submission of that report. The Committee expresses its appreciation for the presence of the large delegation representing the Government of Canada and for the frank and forthright replies furnished by the delegation to the issues raised by the Committee. However, the Committee is concerned that the delegation was not able to give up-to-date answers or information about compliance with the Covenant by the provincial authorities.

B. Principal positive aspects

3. The Committee welcomes the delegation's commitment to take action to ensure effective follow-up in Canada of the Committee's concluding observations and to further develop and improve mechanisms for ongoing review of compliance of the State party with the provisions of the Covenant. In particular, the Committee welcomes the delegation's commitment to inform public opinion in Canada about the Committee's concerns and recommendations, to distribute the Committee's concluding observations to all members



of Parliament and to ensure that a parliamentary committee will hold hearings of issues arising from the Committee's observations.

4. The Committee welcomes the final report of the Royal Commission on Aboriginal Peoples and the declared commitment of federal and provincial governments to work in partnership with aboriginal peoples to address needed reforms.

5. The Committee commends the Government of Canada in regard to the Nunavut land and governance agreement of the eastern Arctic.

6. The Committee welcomes the implementation of the Employment Equity Act, which entered into force in October 1996, establishing a compliance regime that requires federal departments to ensure that women, persons belonging to aboriginal and visible minorities and disabled persons constitute a fair part of their workforce.

C. Principal areas of concern and recommendations

7. The Committee, while taking note of the concept of self-determination as applied by Canada to the aboriginal peoples, regrets that no explanation was given by the delegation concerning the elements that make up that concept, and urges the State party to report adequately on implementation of article 1 of the Covenant in its next periodic report.

8. The Committee notes that, as the State party acknowledged, the situation of the aboriginal peoples remains "the most pressing human rights issue facing Canadians". In this connection, the Committee is particularly concerned that the State party has not yet implemented the recommendations of the Royal Commission on Aboriginal Peoples (RCAP). With reference to the conclusion by RCAP that without a greater share of lands and resources institutions of aboriginal self-government will fail, the Committee emphasizes that the right to self-determination requires, *inter alia*, that all peoples must be able to freely dispose of their natural wealth and resources and that they may not be deprived of their own means of subsistence (art. 1, para. 2). The Committee recommends that decisive and urgent action be taken towards the full implementation of the RCAP recommendations on land and resource allocation. The Committee also recommends that the practice of extinguishing inherent aboriginal rights be abandoned as incompatible with article 1 of the Covenant.

9. The Committee is concerned with the inadequacy of remedies for violations of articles 2, 3 and 26 of the Covenant. The Committee recommends that the relevant human rights legislation be amended so as to guarantee access to a competent tribunal and to an effective remedy in all cases of discrimination.

10. The Committee is concerned that gaps remain between the protection of rights under the Canadian charter and other federal and provincial laws and the protection required under the Covenant, and recommends measures to ensure full implementation of Covenant rights. In this regard the Committee recommends that consideration be given to the establishment of a public body responsible for overseeing implementation of the Covenant and for reporting on any deficiencies.

11. The Committee is deeply concerned that the State party so far has failed to hold a thorough public inquiry into the death of an aboriginal activist who was shot dead by provincial police during a peaceful demonstration regarding land claims in September 1995, in Ipperwash. The Committee strongly urges the State party to establish a public inquiry into all aspects of this matter, including the role and responsibility of public officials.

12. The Committee is concerned that homelessness has led to serious health problems and even to death. The Committee recommends that the State party take positive measures required by article 6 to address this serious problem.

13. The Committee is concerned that Canada takes the position that compelling security interests may be invoked to justify the removal of aliens to countries where they may face a substantial risk of torture or cruel, inhuman or degrading treatment. The Committee refers to its General Comment on article 7 and recommends that Canada revise this policy in order to comply with the requirements of article 7 and to meet its obligation never to expel, extradite, deport or otherwise remove a person to a place where treatment or punishment that is contrary to article 7 is a substantial risk.

14. The Committee expresses its concern that the State party considers that it is not required to comply with requests for interim measures of protection issued by the Committee. The Committee urges Canada to revise its policy so as to ensure that all such requests are heeded in order that implementation of Covenant rights is not frustrated.

15. The Committee remains concerned about Canada's policy in relation to expulsion of long-term alien residents, without giving full consideration in all cases to the protection of all Covenant rights, in particular under articles 23 and 24.

16. The Committee is concerned about the increasingly intrusive measures affecting the right to privacy, under article 17 of the Covenant, of people relying on social assistance, including identification techniques such as fingerprinting and retinal scanning. The Committee recommends that the State party take steps to ensure the elimination of such practices.

17. The Committee notes with concern that the State party has not secured throughout its territory freedom of association. In particular, the Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, passed by the Ontario legislature in November 1998, which denies participants in "workfare" the right to join a trade union and to bargain collectively, affects implementation of article 22 of the Covenant. The Committee recommends that the State party take measures to ensure compliance with the Covenant.

18. The Committee is concerned that differences in the way in which the National Child Benefit Supplement for low-income families is implemented in some provinces may result in a denial of this benefit to some children. This may lead to non-compliance with article 24 of the Covenant.

19. The Committee is concerned about ongoing discrimination against aboriginal women. Following the adoption of the Committee's Views in the Lovelace case in July 1981, amendments were introduced to the Indian Act in 1985. Although the Indian status of women who had lost status because of marriage was reinstituted, this amendment affects only the woman and her children, not subsequent generations, which may still be denied membership in the community. The Committee recommends that these issues be addressed by the State party.

20. The Committee is concerned that many women have been disproportionately affected by poverty. In particular, the very high poverty rate among single mothers leaves their children without the protection to which they are entitled under the Covenant. While the delegation expressed a strong commitment to address these inequalities in Canadian society, the Committee is concerned that many of the programme cuts in recent years have exacerbated these inequalities and harmed women and other disadvantaged groups. The Committee recommends a thorough assessment of the impact of recent changes in social

programmes on women and that action be undertaken to redress any discriminatory effects of these changes.

21. The Committee sets the date for the submission of Canada's fifth periodic report as It urges the State party to make available to the public the text of the State party's fourth periodic report and these concluding observations. It requests that the next periodic report be widely disseminated among the public, including to non-governmental organizations operating in Canada.



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Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations of the Human Rights Committee

Lesotho

1. The Committee considered the initial report of the Government of Lesotho (CCPR/C/81/Add.14) at its 1743rd and 1744th meetings (CCPR/C/SR.1743-1744), held on 1 April 1999, and adopted the following concluding observations at its 1747th and 1748th meetings (CCPR/C/SR.1747-1748), held on 6 April 1999.

A. Introduction

2. The Committee welcomes the initial report of Lesotho, which was prepared in conformity with the Committee's guidelines. The Committee notes that the report was submitted after a five-year delay, which was explained by the delegation as being due to the internal disturbances in the State. The Committee notes that the delegation itself admitted the incompatibility with the Covenant of some provisions of its Constitution and also of its legislation and practices.

B. Principal positive aspects

3. The Committee welcomes the establishment of an ombudsman under the Constitution. The Committee notes that the State party has started courses for training of police officers, prison officers and magistrates in human rights.

4. The Committee welcomes the fact that only the police have the power to arrest and that the security forces have been stripped of this power since 1996.

5. The Committee welcomes the establishment of a Commission of Enquiry into the Conduct and Results of the Lesotho General Elections held in May 1998, and takes note of the establishment of an Interim Political Authority in October 1998 with the object of



facilitating and promoting, in conjunction with legislative and executive structures in Lesotho, the preparations for the holding of general elections within a period of 18 months.

C. Principal areas of concern and recommendations

6. The Committee is seriously concerned that section 18 (4) (a) (b) and (c) of the Constitution allows for the application of legislation and laws, including customary laws, which are discriminatory and incompatible with articles 2 (paragraph 1), 3, 23 and 26 of the Covenant.

7. The Committee is also concerned that sections 7 (3) (f) and (6); 14 (2) (c); 15 (2) (c); and 16 (2) (c) of the Constitution allow for the imposition of restrictions on the rights protected by articles 12 (freedom of movement), 19 (freedom of expression), 21 (peaceful assembly) and 22 (freedom of association) which exceed those permitted by the Covenant.

8. The Committee is further concerned that sections 12 (11) (a) and (13) of the Constitution may raise issues of compatibility with article 14, paragraphs 2 and 3 (d), of the Covenant and that section 21 (1) of the Constitution may authorize derogation of rights, which is incompatible with article 4, paragraph 1, of the Covenant.

9. The Committee recommends that the State party take measures to bring all its laws into full conformity with the Covenant.

10. The Committee is gravely concerned that both common and customary law permit discrimination against women by treating them as minors. The Committee notes with concern that, under customary law, inheritance and property rights of women are severely restricted and that under customary law as well as under common law women may not enter into contracts, open bank accounts, obtain loans or apply for passports without the permission of their husbands. The Committee welcomes the statement of the delegation that these rules are not commonly being applied in practice. The Committee, however, urges the State party to take measures to repeal or amend these discriminatory laws and eradicate these discriminatory practices, which are in violation of articles 3 and 26 of the Covenant.

11. The Committee is concerned that the law in force in Lesotho makes abortion illegal except in cases where the woman concerned is of unsound mind or the conception is the result of rape or incestuous intercourse. The Committee recommends the State party to review the law of abortion to provide for situations where the life of the woman is in danger.

12. The Committee expresses its grave concern about the fact that the practice of female genital mutilation appears to continue to exist in parts of Lesotho, as noted in the report of the Special Rapporteur on Violence against Women. The Committee calls for the eradication of this practice, which is contrary to human dignity and violates various human rights, including the right to life (article 6) and the right to protection against cruel, inhuman and degrading treatment (article 7), and recommends that the practice be made punishable under law and that educational programmes be undertaken in this regard.

13. The Committee notes with concern that a sexual relationship between consenting adult partners of the same sex is punishable under law. The Committee recommends that the State party amend the law in this respect.

14. The Committee is concerned about the continuing influence of the military in civilian matters and in particular about the climate of impunity for crimes and abuses of authority committed by members of the military. The Committee strongly urges that measures be taken by the State party to ensure the primacy of civil and political authority.

15. The Committee notes the statement by the delegation that capital punishment is no longer carried out in practice and recommends its early abolition.

16. The Committee notes with concern that there are fairly numerous instances of torture of persons in custody. The Committee strongly urges the State party to establish an independent authority consisting of respected civilians for receiving and investigating complaints of torture and ill-treatment, giving redress to the victims and prosecuting those responsible for such torture and ill-treatment.

17. The Committee is concerned about the excessive use of force by the police and security forces, including shooting of suspects to prevent their flight even in cases where there is no violence on the part of the suspects. The Committee urges the State party to investigate such cases and ensure the prosecution and punishment of those responsible. Impunity for violation of human rights is incompatible with the State party's obligation under article 2, paragraph 3, of the Covenant.

18. With regard to pretrial detention the Committee is concerned about the detention of suspects for periods longer than 48 hours before they are brought before a magistrate. In particular it notes with concern that the officers who were involved in the mutiny of 1994 were held for many months before commencement of court martial proceedings and so also were the junior officers involved in the mutiny of 1998. The Committee recommends that the State party take firm action to enforce compliance with its own legislative provision limiting pretrial detention to 48 hours before appearance before a magistrate.

19. The Committee is concerned that no action has so far been taken to prosecute law enforcement officers and members of the private security agency responsible for the killings in Butha-butha in 1995. The Committee recommends to the State party to take the necessary action against those responsible.

20. The Committee expresses concern about the treatment of detainees in contravention of articles 7 and 10 of the Covenant. While it notes the statement by the delegation that corporal punishment has been abolished, it observes with concern that the State party report indicates that corporal punishment is still being practised, provided that medical doctors are present. The Committee urges the State party to take the necessary measures to improve prison conditions and to abolish totally corporal punishment both in law and in practice.

21. The Committee notes that the State party has through a Cabinet decision dated 23 November 1995 provided for permanent and pensionable status for judges. The Committee, however, recommends that this decision be implemented through appropriate legislation.

22. The Committee is seriously concerned about reports of harassment of and repeated libel suits against journalists who criticize the Government of Lesotho. The Committee is also gravely concerned about the reports received by the Committee that newspapers which adopt a negative attitude against the Government are refused advertisement by the State and parastatal companies, and that journalists working for the State who are seen at the opposition demonstrations are required to submit their resignations. The Committee urges the State party to respect freedom of the press and desist from taking any action which would violate the freedom of the press.

23. The Committee is concerned that the relevant authority under the Printing and Publishing Act has unfettered discretionary power to grant or to refuse registration to a newspaper, in contravention of article 19 of the Covenant. The Committee recommends to the State party to provide for guidelines for the exercise of discretion and procedures for effective review of the validity of the grounds for refusal of registration and to bring its legislation into conformity with article 19 of the Covenant.

24. The Committee is concerned that the National Security Service and other security agencies are given the power to intercept mail and tap telephones without any safeguards and without any possibility of review of the decision of the Authority. The Committee urges the State party to provide safeguards for the exercise of the power to intercept mail and tap telephones, with independent supervision.

25. The Committee is concerned that, although there is improvement in the participation of women in the public and private sectors, the participation of women is still inadequate. The Committee urges the State party to take the measures needed, including, if necessary, affirmative action to further improve the participation of women in political life as well as public life, including public and judicial services.

26. The Committee sets the date for the submission of Lesotho's periodic report as _____. It urges the State party to make available to the public the text of the State party's initial report and the present concluding observations. It requests that the next periodic report be widely disseminated among the public, including non-governmental organizations operating in Lesotho.



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**Consideration of reports submitted by States parties under
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Concluding observations of the Human Rights Committee

Costa Rica

1. The Committee considered the fourth report of Costa Rica (CCPR/C/103/Add.6) at its 1745th and 1746th meetings (CCPR/SR.1745-1746), held on 5 April 1999, and adopted the following concluding observations at its 1751st meeting (CCPR/C/SR.1751), held on 8 April 1999.

A. Introduction

2. The Committee welcomes the presentation by the delegation of the fourth periodic report of Costa Rica. It also expresses its appreciation for its comprehensive responses to the Committee's written and oral questions.

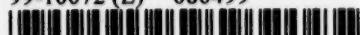
B. Principal positive aspects

3. The Committee notes with satisfaction that in Costa Rica international human rights treaties have primacy over domestic law.

4. The Committee welcomes the progress made by the Office of the Ombudsman in dealing with violations of human rights.

5. The Committee takes note of measures to enhance equality between men and women and welcomes in this regard the drawing up of affirmative action plans. It also notes that the Labour Code guaranteeing women's rights on the basis of article 33 of the Constitution has helped to secure greater equality for women.

6. The Committee commends the State party for the establishment of a Ministry for Women's Affairs, and for the development of national plans aimed at combating domestic violence.



7. The Committee commends the State party for its ratification of the Second Optional Protocol, aiming at the abolition of the death penalty.
8. The Committee notes with satisfaction the entry into force of a new Code of Criminal Procedure. In particular, it welcomes the provision of alternatives to prison sentences, through fines and payment of damages, community service, re-education and conciliation between offenders and victims. It also takes note of measures which are planned to reduce crowding in the prisons.

C. Principal areas of concern and recommendations

9. The Committee regrets that, despite its comments on earlier reports, the fourth periodic report does not sufficiently address, under the appropriate articles, the practical implementation of human rights in Costa Rica since the submission of the State party's third report.
10. The Committee notes that the report is unclear about the scope and effect of the remedy of *amparo*. The Committee therefore recommends that the State party include in its next periodic report a precise explanation, with examples to illustrate its application in respect of public and private agencies.
11. The Committee notes with concern the consequences for women, including the danger to life involved in clandestine abortions, of the continuing criminalization of all abortions. The Committee recommends that the law be amended to introduce exceptions to the general prohibition of all abortions.
12. The Committee is concerned that violence against women and domestic violence in particular is on the increase in Costa Rica. It recommends that all necessary measures, including the enactment of appropriate legislation, be taken to protect women in these areas.
13. The Committee notes with concern that, although the State party affirms that no cases of torture have occurred in Costa Rica, it has not received adequate information about legislation and other measures designed to prevent and punish torture and other cruel and inhuman acts.
14. The Committee remains concerned that individuals awaiting trial may spend long terms in detention after indictment. The State party should ensure that its law and practice in this matter comply with article 9, paragraph 3, and article 14, paragraphs 2 and 3 (c), of the Covenant.
15. The Committee recommends that further data be provided on alleged cases of discrimination in the public and private sectors, and remedies to deal with such cases.
16. The Committee remains concerned at the fact that religious discrimination in education and other aspects of Costa Rican life continues to be embodied in domestic legislation, as noted in its previous concluding observations. The Committee reiterates the State party's obligation to bring domestic legislation into harmony with the Covenant and requests the State party to report on the implementation of this recommendation.
17. The Committee notes with concern that freedom of association, including the right to collective bargaining, is not adequately respected in conformity with article 22 of the Covenant. It reiterates in particular the concern expressed in its previous concluding observations that workers in small agricultural businesses do not receive adequate protection against reprisals for attempts to form associations and trade unions. The Committee wishes to stress that the State party should guarantee the enjoyment of rights by all individuals and

therefore recommends once again that it consider steps to review and, where necessary, reform labour legislation, to introduce measures of protection to ensure that workers have access to speedy and effective remedies, and to ensure that freedom of association, as guaranteed under article 22 of the Covenant, is enjoyed by all workers in Costa Rica.

18. The Committee is deeply concerned at the high incidence of commercial sexual exploitation of children in Costa Rica, apparently often related to tourism. It notes the creation of a National Board for the Protection of the Child and amendments to the Criminal Code to criminalize the sexual exploitation of children. The Committee urges the State party to take further measures to eradicate this phenomenon, in cooperation as appropriate with other States, through the investigation and prosecution of the crimes in question.

19. The Committee further notes with concern an increase in child labour and school drop-outs, and that no effective remedies are in place.

20. The Committee notes that, despite improvements, laws aimed at gender equality have not had their intended effect, in particular with regard to equal pay, and recommends that the State party take all steps necessary to give effect to its commitments in law, and to bring about the necessary cultural and attitudinal changes that must accompany them, through educational and other programmes.

21. The Committee remains concerned that article 27 of the Covenant is not adequately dealt with by the State party in its fourth periodic report. It reiterates its previous recommendation that future reports should contain, *inter alia*, detailed and updated information on the extent to which each of the rights protected under the Covenant, including article 27, are enjoyed in actual practice by the members of indigenous communities. Although it notes the State party's establishment of CONAI (Comisión Nacional Indígena), and the enactment of a bill to implement the Convention on the Elimination of All Forms of Racial Discrimination and ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, it remains concerned at the lack of effective remedies for indigenous people in Costa Rica.

22. The Committee sets the date for the submission of Costa Rica's fifth periodic report as _____. It urges the State party to make available to the public the text of its fourth report and the present concluding observations. It also requests that the next periodic report be disseminated to the public and to appropriate non-governmental organizations.